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Intelligence Oversight Panel Backed

By Walter Pincus
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The Senate Government Operations Committee voted 12 to 0 yesterday to establish a new committee to oversee intelligence activities. The committee also approved tough new procedures to investigate senators or staff members suspected of leaking information about secret intelligence activities.

A provision permitting a majority of the Senate or the new committee to disclose classified information over the objection of the President was also approved. President Ford has strongly opposed this provision.

The non-disclosure provision requires the Senate Ethics Committee to investigate an alleged disclosure of intelligence information at the request of five members of the new 11-member intelligence committee, or of 16 members of the Senate.

If the Ethics Committee determines "there has been a significant breach of confidentiality or unauthorized disclosure," by a senator, it can recommend censure, removal from committee membership, or expulsion from the Senate. The committee could recommend that a staff member be fired.

The Government Operations Committee will ask that these provisions be made applicable to all Senate committees that handle intelligence information.

Sen. Jacob K. Javits (R-N.Y.) warned his colleagues that "we are dealing with the speech and debate clause," the constitutional provision that permits a member to say anything on the Senate chamber floor without fear of legal reprisal.

"It is a dearly won right," Javits said, "and we ought to err on the side of making it more, rather than less, difficult to have accusations made, one legislator against the other."

The New York Republican reminded the committee of the French Revolution when members of the National Assembly, accused by colleagues of disloyalty, were carried off in tumbrels to the guillotine. Javits suggested that a handful of members could, in effect, "indict" a member just by recommending an investigation.

Sen. William V. Roth Jr. (R-Del.), a co-author of the non-disclosure provision, countered that it was "absolutely necessary that the executive branch and the public have confidence in the new committee." To

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achieve that, Roth said, the Senate should not be afraid to put some teeth into a procedure to track down leaks.

Under language offered by Javits, investigations of unauthorized disclosures would have been undertaken only in cases where there had been leaks of information the new intelligence committee or the Senate had "determined should not be disclosed."

However, during the last minutes of the Government Operations Committee review of the measure, Sen. Sam Nunn (D-Ga.) expanded the amount of information to be covered by the investigative procedure to include all classified intelligence information received from the executive branch.

Sen. Lowell P. Weicker Jr. (R-Conn.) voted against the self-discipline measure saying, "The problem is not leaks, but excessive secrecy."

Under the approved procedure for disclosing secrets, the new intelligence committee would inform the President of Classified information it wished to make public. The President would have five days to register any objection.

Thereafter, at the request of three committee members, a majority vote of the Senate would be required to approve public disclosure.

President Ford has said repeatedly that the chief executive should determine what secret information can be made public. It remains to be seen whether the President will limit the amount of intelligence information given the new committee. Some aides have said such a limit would be necessary if the Congress gave itself the decision to disclose information.

The White House won its point on the question of prior notification to Congress of covert CIA operations. The CIA is required only to keep the new committee "fully and currently informed with respect to intelligence activities, including any significant anticipated activities . . ."

Sen. Frank Church (D-Idaho), chairman of the Senate intelligence committee, had made prior notification a major point in his oversight proposal but has said he would "go along" with the approved language.

The resolution now goes to the Rules Committee for further consideration. Under a prior agreement, the measure must reach the Senate floor by March 20 so that the new intelligence committee can take over from the Church committee, which is expected to go out of business by mid-March.

The new committee would have budgetary authority and legislative oversight for agencies gathering foreign intelligence including the CIA and the National Security Agency plus the domestic intelligence operations of the FBI. It would take jurisdiction over those agencies away from three other major Senate committees—Armed Services, Foreign Relations and Judiciary.

In approving a new Senate intelligence committee, the Government Operations Committee rejected Mr. Ford's suggestion that the Senate and House form a joint intelligence committee.